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DOC #:

DATE FILED: 5/12/2015

## UNITED STATES DISTRICT COURT

Southern

District of

New York

TUFAMERICA, INC.

## BILL OF COSTS

V.

MICHAEL DIAMOND et al.,

Case Number: 12 CV 3529 (AJN)

Judgment having been entered in the above entitled action on 3/26/2015 against TUFAMERICA, INC.,  
 the Clerk is requested to tax the following as costs:

Fees of the Clerk ..... \$

Fees for service of summons and subpoena ..... 3,569.65

DEPOSITION TRANSCRIPTS ORIGINAL &amp; 1 COPY ALLOWABLE

Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case ..... 3,214.40Fees and disbursements for printing ..... 0.00Fees for witnesses (itemize on page two) ..... 0.00Fees for exemplification and copies of papers necessarily obtained for use in the case ..... 0.00Docket fees under 28 U.S.C. 1923 ..... 0.00Costs as shown on Mandate of Court of Appeals ..... 0.00Compensation of court-appointed experts ..... 0.00Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828 ..... 0.00Other costs (please itemize) ..... 0.00DONE ON SUBMISSION, OBJECTIONS  
FILEDTOTAL \$ 3,569.65SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories. 3,214.40

## DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:

- ☒ Electronic service by e-mail as set forth below and/or.  
☐ Conventional service by first class mail, postage prepaid as set forth below.

s/ Attorney: Thomas M. MonahanName of Attorney: Thomas M. MonahanFor: M. Diamond, A. Horovitz, the Estate of A. Yauch and Brooklyn Dust MusicDate: 4/27/2015

Name of Claiming Party

Costs are taxed in the amount of \$ 3,214.40 and included in the judgment.RUBY J. KRATZ  
Clerk of CourtBy: [Signature]

Deputy Clerk

Date: 5/12/2015

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
TUFAMERICA, INC.,

Plaintiff,

v.

MICHAEL DIAMOND, ADAM HOROVITZ,  
and ADAM YAUCH, p/k/a BEASTIE BOYS,  
UNIVERSAL MUSIC PUBLISHING, INC.,  
UNIVERSAL MUSIC PUBLISHING GROUP,  
BROOKLYN DUST MUSIC, and CAPITOL  
RECORDS, LLC,

Defendants.  
-----X

Case No. 12 CV 3529 (AJN)

**DECLARATION OF THOMAS M.  
MONAHAN IN SUPPORT OF THE  
BEASTIE BOYS DEFENDANTS'  
BILL OF COSTS**

I, THOMAS M. MONAHAN, hereby declare as follows:

1. I am an associate at the law firm of Sheppard, Mullin, Richter & Hampton LLP ("Sheppard Mullin"), and counsel to defendants Michael Diamond, Adam Horovitz, the Estate of Adam Yauch and Brooklyn Dust Music (collectively, the "Beastie Boys Defendants") in the above-referenced action. I am admitted to practice law in the State of New York and before this Court. The statements made in this declaration are based upon my personal knowledge, including upon information provided to me by colleagues or other personnel working under my supervision in this case. I submit this declaration in support of the Beastie Boys Defendants' Bill of Costs submitted herewith.

2. The Beastie Boys Defendants' Bill of Costs seeks taxation of costs totaling \$3,569.65 for deposition transcript fees and expenses incurred in the depositions of three witnesses: Tony Fisher, Will Scott and James Avery (collectively, the "Depositions").


3. True and correct copies of the invoices for the Depositions are attached hereto as Exhibits A, B and C.

4. The transcripts of the Depositions were used by the defendants in support of their successful motion for summary judgment (see Document Nos. 79-3, 79-4 and 80-26) and therefore are allowable by law.

5. The amount of \$3,569.65 listed on the Bill of Costs for the deposition transcript fees and expenses associated with the Depositions is correct and has been necessarily incurred in the case, and the services for which fees have been charged were actually and necessarily performed.

I declare upon penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: April 27, 2015  
New York, New York

  
\_\_\_\_\_  
Thomas M. Monahan

## **EXHIBIT A**

**Veritext New York Reporting Co.**

330 Old Country Rd., Suite 300  
 Mineola NY 11501  
 Tel. (516) 808-2400 Fax. (516) 608-2450  
 Fed. Tax ID: 20-3132569



**Bill To:** Thomas Monahan  
 Sheppard Mullin Richter & Hampton LLP  
 30 Rockefeller Plaza  
 30th Floor  
 New York, NY, 10112-0015

**Invoice #:** NY2038783  
**Invoice Date:** 5/19/2014  
**Balance Due:** \$1,266.00

**Case:** Tufamerica, Inc. v. Diamond, Et Al. 212W-193602  
**Job #:** 1858527 | **Job Date:** 5/6/2014 | **Delivery:** Expedited  
**Billing Atty:** Thomas Monahan  
**Location:** Sheppard Mullin  
 30 Rockefeller Plz | 39th Fl | New York, NY 10112  
**Sched Atty:** Thomas Monahan | Sheppard Mullin Richter & Hampton LLP

Will Scott	Original with 1 Certified Transcript	Page	244.00	\$4.50	\$1,098.00
	CD Depo Litigation Package	Per CD	1.00	\$39.00	\$39.00
	Attendance Fee	1	2.00	\$45.00	\$90.00
	Shipping & Handling	Package	1.00	\$39.00	\$39.00
<b>Notes:</b>					\$1,266.00
					\$0.00
					\$0.00
					\$0.00
					\$1,266.00

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\* 9 0 0 3 2 4 0 2 6 \*

*[Handwritten signatures and initials]*

*[Handwritten "OK" and "Punch" in a circle]*  
*[Handwritten "1,098.00" in a circle]*  
*[Handwritten initials "JL"]*

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**Chicago IL 60694-1303**

**Invoice #:** NY2038783  
**Job #:** 1858527  
**Invoice Date:** 5/19/2014  
**Balance:** \$1,266.00

## **EXHIBIT B**

**Veritext New York Reporting Co.**

330 Old Country Rd., Suite 300  
 Mineola NY 11501  
 Tel. (516) 608-2400 Fax. (516) 608-2450  
 Fed. Tax ID: 20-3132569



**Bill To:** Theodore C. Max, Esq  
 Sheppard Mullin Richter & Hampton LLP  
 30 Rockefeller Plaza  
 30th Floor  
 New York, NY, 10112-0015

**Invoice #:** NY2030956  
**Invoice Date:** 5/8/2014  
**Balance Due:** \$1,188.20

<b>Case:</b>	Tufamerica, Inc. v. Diamond, Michael, Et Al, 212W-193602
<b>Job #:</b>	1853209   Job Date: 5/1/2014   Delivery: Normal
<b>Billing Atty:</b>	Theodore C. Max, Esq
<b>Location:</b>	Jenner & Block 1099 New York Avenue NW   Suite 900   Washington, DC 20001
<b>Sched Atty:</b>	Jenner & Block LLP

Tony Fisher	Certified Transcript	Page	315.00	\$3.50	\$1,102.50
	Exhibits	Per Page	24.00	\$0.15	\$3.60
	CD Depo Litigation Package	Per CD	1.00	\$39.00	\$39.00
	Exhibits Scanned-Searchable - OCR	Per page	24.00	\$0.15	\$3.60
	Shipping & Handling	Package	1.00	\$39.50	\$39.50
<b>Notes:</b>					\$1,188.20
					\$0.00
					\$0.00
					\$0.00
					\$1,188.20

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\* 9 0 0 3 1 2 6 1 8 \*

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**Invoice #:** NY2030956  
**Job #:** 1853209  
**Invoice Date:** 5/8/2014  
**Balance:** \$1,188.20

## **EXHIBIT C**



**Veritext New York Reporting Co.**

330 Old Country Rd., Suite 300  
 Mineola NY 11501  
 Tel. (516) 608-2400 Fax. (516) 608-2450  
 Fed. Tax ID: 20-3132569



**Bill To:** Theodore C. Max, Esq  
 Sheppard Mullin Richter & Hampton LLP  
 30 Rockefeller Plaza  
 30th Floor  
 New York, NY, 10112-0015

**Invoice #:** NY2030936  
**Invoice Date:** 5/8/2014  
**Balance Due:** \$1,115.45

**Case:** Tufamerica, Inc. v. Diamond, Michael, Et Al, 212W-193602  
**Job #:** 1853208 | Job Date: 4/30/2014 | Delivery: Normal  
**Billing Atty:** Theodore C. Max, Esq  
**Location:** Jenner & Block  
 1089 New York Avenue NW | Suite 900 | Washington, DC  
 20001  
**Sched Atty:** | Jenner & Block LLP

James Avery	Certified Transcript	Page	283.00	\$3.50	\$990.50	✓
	Exhibits	Per Page	132.00	\$0.15	\$19.80	✓
	CD Depo Litigation Package	Per CD	1.00	\$39.00	\$39.00	+
	Exhibits Scanned-Searchable - OCR	Per page	132.00	\$0.15	\$19.80	+
	Shipping & Handling	Package	1.00	\$46.35	\$46.35	+
<b>Notes:</b>					\$1,115.45	
					\$0.00	
					\$0.00	
					\$0.00	
					\$1,115.45	

**TERMS:** Payable upon receipt. Accounts 30 days past due will bear a finance charge of 1.5% per month. Accounts unpaid after 90 days agree to pay all collection costs, including reasonable attorney's fees. Contact us to correct payment errors. No adjustments will be made after 90 days. For more information on charges related to our services please consult <http://www.veritext.com/services/all-services/service-information>



\* 9 0 0 3 1 2 6 1 7 \*

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**Invoice #:** NY2030936  
**Job #:** 1853208  
**Invoice Date:** 5/8/2014  
**Balance:** \$1,115.45